

Message Text

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ACTION NEA-16

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INFO AMEMBASSY COLOMBO

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E.O. 11652: N/A

TAGS: PFOR, PBOR, IN, CE

SUBJECT: INDIA-SRI LANKA AGREEMENT GIVES KACHCHATIVU ISLAND

TO SRI LANKA

1. SUMMARY: ALTHOUGH THE TEXT OF THE INDIA-SRI LANKA AGREEMENT HAS NOT BEEN RELEASED, PRESS PLAY BASED ON A FOREIGN MINISTRY BRIEFING HERE SUGGESTS THAT THE AGREEMENT IS A STRAIGHT-FORWARD ONE RELINQUISHING THE INDIAN CLAIM TO THE ISLET OF KACHCHATIVU. THE NON-CONGRESS STATE GOVERNMENT OF TAMIL NADU AND THE MILITANT NATIONALIST JANA SANGH OPPOSE THE AGREEMENT AND PROBABLY WILL TAKE IT TO THE COURTS. THIS MAY DELAY IMPLEMENTATION, BUT THE GOI WILL STILL HAVE ACHIEVED THE BULK ITS OBJECTIVE OF REMOVING YET ANOTHER IRRITANT IN INDO-CEYLONNESE RELATIONS. END SUMMARY.

2. THE JOINT ANNOUNCEMENT OF THE INDIA-SRI LANKA AGREEMENT SAYS THAT "IN CONFORMITY WITH HISTORICAL EVIDENCE, LEGAL INTERNATIONAL PRINCIPLES AND PRECEDENTS" THE BOUNDARY IN PALK BAY HAS BEEN DEFINED AS FALLING "ONE MILE OFF THE WEST COAST OF THE UNINHABITED ISLAND OF KACHCHATIVU." THE FULL TEXT OF THE

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ANNOUNCEMENT IS CARRIED BY FBIS. ACCORDING TO PRESS REPORTS,

THE TEXT OF THE AGREEMENT, WHICH WAS SIGNED SIMULTANEOUSLY IN DELHI AND COLOMBO JUNE 28, WILL BE RELEASED AFTER RATIFICATION "VERY SHORTLY" BY THE TWO GOVERNMENTS.

3. DELHI PRESS REPORTS, BASED ON A FOREIGNMINISTRY BRIEFING JUNE 28, ARE STRAIGHTFORWARD. THERE IS NO ATTEMPT TO QUALIFY THE RELINQUISHMENT OF THE INDIAN CLAIM OR TO JUSTIFY IT BY REFERENCE TO ANY GAINS INDIA MAY HAVE MADE ELSEWHERE IN THE DRAWING OF THE MEDIAN LINE IN PALK BAY. THE ANNOUNCEMENT REFERS TO "MUTUALLY SATISFACTORY PROVISIONS" FOR NAVIGATION, PILGRIMAGE, FISHING AND MINERAL EXPLORATION, BUT PRESS REPORTS PROVIDE NO DETAILS.

4. THE CHIEF MINISTER OF THE INDIAN STATE OF TAMIL NADU HAS CALLED A MEETING OF THE LEADERS OF ALL THE LEGISLATIVE PARTIES IN THE STATE TO CONSIDER THE KACHCHATIVU ISSUE. THE CHIEF MINISTER TOLD THE PRESS JUNE 27 THAT HE HAD BEEN BRIEFED BY THE FOREIGN SECRETARY AND THAT HE WOULD COMMENT AFTER SEEING DETAILS OF THE AGREEMENT. ALTHOUGH THE CHIEF MINISTER SAID HE CONVEYED TO THE FOREIGN SECRETARY THE "STRONG FEELINGS" OF THE PEOPLE OF TAMIL NADU AGAINST RELINQUISHMENT OF THE INDIAN CLAIM, HIS MAIN OPPONENT, BREAKAWAY ADMK LEADER M.G. RAMACHANDRAN, CALLED ON HIM TO RESIGN FOR HAVING LET DOWN TAMILIANS ON THE ISSUE.

5. SEPARATELY, JANA SANGH LEADER A.B. VAJPAYEE ANNOUNCED THAT THE MADRAS UNIT OF THE JANA SANGH HAD BEEN DIRECTED TO FILE A PETITION IN THE MADRAS HIGH COURT CHALLENGING THE "TRANSFER" OF THE ISLET. HE SAID THE GOI ACTION WAS "AN ASSAULT ON THE TERRITORIAL INTEGRITY OF THE COUNTRY."

6. COMMENT: INDIA HAS MOVED QUICKLY TO REMOVE YET ANOTHER IRITANT IN ITS RELATIONS WITH ITS SMALLER NEIGHBORS. DISPUTES WITH SRI LANKA OVER REPATRIATION OF THE PLANTATION TAMILS IN SRI LANKA WERE RESOLVED LAST YEAR AND EARLY THIS YEAR. THE AGREEMENT ON KACHCHATIVU THEREFORE CLEARS UP THE ONLY REMAINING MAJOR DISPUTE BETWEEN THE TWO COUNTRIES. INDIA HAD GIVEN THE IMPRESSION IT WOULD MOVE SLOWLY ON KACHCHATIVU. IT MAY HAVE DECIDED TO GET THE ISSUE OUT OF THE WAY WELL BEFORE THE 1976 STATE ELECTIONS IN TAMIL NADU. WE ARE NOT CLEAR EXACTLY HOW MUCH THE LIMITED OFFICIAL USE

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OPPONENTS TO THE AGREEMENT CAN ACCOMPLISH THROUGH THE COURTS. SOME OBSERVERS TELL US THAT A SUPREME COURT DECISION SEVERAL YEARS AGO CLEARS THE WAY FOR SETTLEMENT OF SUCH DISPUTED TERRITORIAL CLAIMS WITHOUT THE CUMBERSOME PROCEDURE OF A CONSTITUTIONAL AMENDMENT REQUIRED WHEN THE GOI GIVES UP CLEARLY INDIAN TERRITORY. THE GOI CAN WEATHER THE LIKELY PROTESTS IN TAMIL NADU AND IN PARLIAMENT.

SCHNEIDER

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